THE Poor Mans Mite Cast into the TREASURY.

OR

ENDEAVOURS TO THE DISCOVERY OF A *Conceal'd Revenew.*

Touching Mynes & Minors &c

BY

RICHARD VVINE, A Faithful Servant to the Commonwealth.

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TO HIS

EXCELLENCIE George Monck,

Captain Generall of all the Land Forces of England, Scotland, *and* Ireland, *and one of the Generals of all the Naval-Forces*, &c.

May it pleaſe your Excellency,

I *Have a long time vvaited to preſent this* MITE *in a Seaſonable Time to a Fit Hand. It Attendeth as a Handmaid upon the ſetling of a Happy and Peaceable Government, vvhich is novv much hoped after, and prayed for by Gods Mercies upon your Endeavours, and it may (probably) be thought vvorthy of a Preconſideration: My Zeal to the Publick, prompts me to dedicate it to your Excellencie; I humbly beg your Acceptance and Peruſall. The God of Peace proſper you in your good Endeavours, and multiply his Bleſſings upon you and yours, Which ſhall ever be the prayer of*

Your Excellencies moſt Humble
Devoted and Unworthie
Servant,
RICHARD WINE.

The Poor Mans Mite caſt into the Treaſury, or Endeavours to the Diſcovery of a conceal'd Revenew.

HAving ſpent twenty eight yeares of the ſtrength of my time in *Ireland*, from whence I eſcaped in the beginning of that Inhuman Rebellion, and having ſince, for ſome years, attended upon the Honourable Committee for contributions, as their Clerk, where the neceſſities of the Petitioners ſo emptied the Treaſury, that nothing remained for the promiſed reward of my pains: I, afterwards took upon mee the ſollicitation of cauſes for my ſupport: In which imployment I happened upon one particular of a very high and generall concernment, betwixt one *Lock* plaintiffe, and the *Right Honourable the Earle of Rutland* defendant, about *Mine Royall in Derbiſhire*, which cauſe (after ſome proceedings in the Exchequer Chamber, and Office of Pleas) received divers debates before the then Lords of the Council, at the Council board, where it was ſtrongly argued on both parts, by Councellours learned in the Laws, but hath not as yet received any finall determination, from which undetermined cauſe, and other concealments of like nature, I doubt not but by *Gods* aſſiſtance, to ſet forth the legall right of ſuch *Supreame Authoritie* as the *Lord* ſhall in mercy ſet over theſe *Nations*, to ſo great a revenue (without any prejudice to any particular juſt claime) as may in a ſhort time give a great help, and in very few years defray the publique charge of Government, and may alſo be advantageous to the ſetling of the Peace of the *Nations*, in that it tendeth to a preſent abatement, and a

timely taking away of Taxes, which is, and for many years hath been a great greivance unto the People.

In the first place, I will (*by Gods permission*) set forth the matter from whence this revenew may be raised. Secondly the legall right that the *Supream Authoritie* hath unto it. Thirdly the reasons why it hath not been hitherto discovered. Fourthly, the usuall practises to destroy it, and to prevent the discovery thereof; And then proceed to the said undetermined cause, how it hath been carried on, and where it resteth.

As to the First, it is Gold, and Silver conteined in Copper, Tinne, Lead, and other Mettles, which are (for the most part) wilfully concealed in the bowells of the Earth, in these severall Dominions of *England*, *Scotland*, and *Ireland*.

Secondly, As to the legallitie of it, The Law saith, *That things of most excellent qualitie, doe belong to the most excellent Person*; In the Sea it saith, *That Whales and Sturgeon* are most excellent; and in the Earth *Gold and Silver*; it doth not say all great Whales and Sturgeons, or all great quantities of Gold and Silver, but indefinitely, without limitation of Proportions or Quantities.

The Law likewise attributeth that singularitie of Excellence to *Kings*, not in regard of their Persons, but of their *Supremacie in Government*, which, if changed into another forme, the *Prerogatives and Rights* ought also to be changed into the same.

But here I know it will be objected, that no Myne belonged in times past to *Kings*, but that which was *Royall* (which word Royall is drawn out to a larger extent, then the Law intendeth, of which more hereafter) whereunto give me leave to say, that I have seen the distribution of the Lands in the *Province of Ulster* in *Ireland*, after the Conquest of *Tyrone* and *O Dogbery*, where (upon the Survey) the Lands were divided into great *Proportions* of two thousand, *Middle Proportions* of one thousand five hundred, and small *proportions* of one thousand Akers, which after fell to the severall undertakers by lott; Now the Soile differed very much in goodnesse, but the Proportions very little in valew, because the barrennesse of the Soile was ballanced by the largenesse of the measure, in regard *Woods*, *Bogs*, and *Mountainous* grounds were cast in as waste: It is very probable the.

the *Norman* Conquerour uſed the ſame courſe upon his conqueſt of *England*, and is it not againſt reaſon that the Perſon that had ſo large an extent of Lands (though in part *Mountainous*) as equalized the revenew of the moſt fertile Proportions, ſhould alſo enjoy the benefit of the *Mynes*, (eſpecially of thoſe from whence *Gold* and *Silver* may be extracted) and is not the *Law* grounded upon Reaſon?

I have read of three Lords, *viz.* one of the *Mannour*, another of the *Soile*, and a third *Paramount*, to whom (if I miſtake not) *Mynes* ought to belong.

As to the third particular, *viz.* the reaſon why this *Gold* and *Silver* hath not been hitherto diſcovered, it lieth in this branch of the Law, *viz. That the Finer ſhall draw with it the baſer Mettle*; And hence it cometh to paſſe, that when a ſmall quantitie of Oare is brought to the Tower to be Eſſaied, and that the Artiſt Reports it to hold twenty pound in Silver, and ſomtimes much more in a Tunne, and that the Artiſt ſhall demand the place where it was gotten, and the name of him that brought it, he is uſually denied in the firſt, and deluded in the laſt, whereby that *Myne* from whence that *Oare* was gained, lies ſtill conceal'd, becauſe the Proprietor of the Soile is unwilling to loſe the baſe mettal. And hence it cometh, that ſo many deſtructive devices have bin, and are daily ſet on foot, to deſtroy or conceal this Treaſure; One is, the granting of general Pattents to particular perſons, who wanting means to ſupport the charge, do connive when they have diſcovered ſuch Treaſure, for ſome ſecret reward, whereby the ſame remaines unreveal'd and uſeleſſe; Or elſe he takes in a Partner, who finding the great benefit that may be made of ſuch Mines, ſeeks wholly to out the Pattentee, or elſe combines with the Agent of the Proprietor of the Soile, to deſtroy the work, and truly I am very much deceived if the like hath not happened in this very cauſe of Mr. *Locks*.

A ſecond is, the tranſporting of Oare, before it be ſmelted into Mettle.

A third is, the tranſporting of Mettal before it be Eſſaied, how much Gold or Silver may be thereout extracted.

A fourth, (too commonly practiſed) is the mixing of rich

Oare with that which is poor, for where there is a veine of Oare diſcovered, which is very rich, there is uſually another Veine not far diſtant that is Sterrill, which, if mixed with the other, doth render it much poorer, whereby the *Proprietor* of the Soile is encoraged to ſell it ſmelted together as baſe Mettle, and who knowes what private contract is made betwixt him and the Merchant.

A fifth is, the beating or pounding of Oare, before it is ſmelted, into duſt or ſmedom, under a color of dreſſing it from rubbiſh, whereby it may be very much impoveriſhed, and divers other means, I beleive, are dayly practiſed to deceive the Common-wealth in this kinde, whereof I am as yet Ignorant, for I confeſſe, I am not at all experienced in Minerals, having none other knowledge therein, then what I have carefully collected in the ſollicitation of this cauſe for Mr. *Lock*, and by my diſcourſe with diverſe profound Artiſts in extracting Gold and Silver out of Minerals, which was the reaſon that I received ſome diſcouragement from a Member of the late Councell in the managing of this cauſe, who demanding of mee, whether I had any experience in Mynes, and finding by my true confeſſion that I had never ſeen a Mine, ſlighted my Arguments, but I beleive it is undeniable, that many honourable Perſons who never travailed beyond the Seas, may nevertheleſſe be very good States-men as to forreign affaires, and amongſt ſuch Cedars, ſmall plants may growe and prove uſeful; Therefore to improve my weak Talent to a publique advantage I ſhall as briefly as I may, ſet forth the proceedings of that (yet undetermined) cauſe betwixt the ſaid Mr. *Lock*, and the right honourable *the Earle of Rutland*, which is as followeth.

A Patent was granted in *December* 1656. to Mr. *Lock*, to dig and ſearch for *Myne Royall* in *Derbyſhire*; The Patentee, (upon very good Intelligence that ſuch *Myne* was in the *Earle of Rutlands Mannour of nether-Haddon* in the ſame County) endeavoured to put his Patent in execution there, having firſt with very much civilitie, given his Lordſhip knowledge therof, but being oppoſed, he was compelled to take the advantage of a dark night, wherein he, with the help of two workmen, did gaine a ſmall quantitie of Oare, of part whereof an Eſſay

was

was made by a skilfull Artiſt in the Countrey, who reported it under his hand in writing to hold the worth of twenty pound of fine Silver in a Tunne of the ſame; Another part thereof (as the Pattentee affirmeth) was by him brought to the Tower, and Eſſaied by one of the Eſſay-Maſters, who reported it to hold fourty ſeven pound eight ſhillings in a Tunne of the ſame; And a third part thereof was brought to the Tower by one of the workmen that got it with whom I have conferred, and he averred, that he did not part with it, from the time that he digg'd it out of the Earth, untill it was tried in the Tower by a very able Artiſt, who reported it to hold ten pound two ſhillings and two pence of fine Silver in a Tunne of the ſame, and theſe reports I have ſeen with the Silver annext, ſtill extant.

But here ſomething may be objected touching the great difference in theſe ſeverall *Eſſaies and Reports*; whereunto thus, I find that ſeverall Veins of Oare do often happen in a ſmall ſhaft or pitt, not above a foot diſtant one from another, and that one of theſe may be very rich, another poor in Silver, and this Oare being gained by three ſeverall Perſons, muſt needs be of different values.

The Pattentee encouraged by theſe Eſſaies, proceeds to the execution of his Pattent, and was againe oppoſed, whereupon he took in a Partner to aſſiſt him in carrying on the work; This Partner being in *London*, was quickly wrought upon by the Earls Agent to deſtroy the Pattent, inſomuch as he conſented to an Order, whereby the Pattentee was confined to the ſinking of two Pitts, and thoſe but one yard ſquare, and two yards deep, wherein there was a great doubt of finding any Oare; and this was done without the knowledge or directions of the Pattentee, who was then in *Derbyſhire*, whoſe Pattent was without limitation in that County; And this Order was confirmed at the Councell-Board, the 16. of *September* 1657.

So ſoone as the Pattentee had knowledge of this Order, he came to *London*, and ſent his Partner into the Countrey to ſet the work on foot, not yet doubting his fidelity, and by the advice of ſome of his Friends (for I was a ſtranger unto him)

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hee agreed with me for a considerable sallarie to be his Solicitor here in *London*, to avoyd the said Order, and to follow his other occasions relating to his said Pattent.

The Partner attempted severall times (but seemingly (if I mistake not) to set Minors and Laborours at work, but was from time to time beaten off by great numbers of the Earls Servants and Tenants both on foot and horseback: The Myners and Workmen which were set on work, were bound over by two Justices of Peace for entring the Earles Mannor, and so was the Partner also (but I beleive little to his prejudice) Indictments passe, Actions are brought at the Common Law, Private Sessions are called, and Indictments again past before the same Justices, and Warrants of the good behaviour thereupon procured from the late *Lord cheif Justice Glinne*, against diverse of those poor Myners, as I shall hereafter more at large set forth, so that there was at one time, Actions, Indictments, and Warrants of the good behaviour against one hundred and twenty Persons or thereabouts, upon this accompt, and not one ounce of Oare gained: This, I confesse, made me doubt the worst, because I knew the Earle to be powerfull, and the Pattentee very weak in purse, I wondered to see so great charge put upon the Pattentees accompt, and nothing done to his advantage; Withall, I did very well know, that it could not otherwise be, but that the Earle who kept his Agents, and some of his, and their Servants, constantly in *London* to attend this businesse, must also be at a very great and unnecessary charge (as to the point *whether Myne Royall or not*) might have been tried at lesse then the hundredth part of the monies that hath been already expended, wherin, by the directions of the Pattent, the Earle must have been paid his dammage, in case it had not proved *Royall*.

This made me doubt the legallitie of the Pattent, but that was cleared by the confession of the Earles Councell, and Agent at the *Councell-Board*; It remains then whether the Actings of the two Justices be legall or illegall, for by the words of the Pattent, all Justices of Peace are required to be aiding and assisting in the execution thereof: Surely in Militarie affaires if the Commissioned Officers, shall use their forces against those Superiours that granted them Commissions, it must needs tend

to

to the confuſion of the Army; and I believe in Civil affairs the like will tend to the confounding of Government, and in this particular, every moderate judgement may diſcover, whether the oppoſing of Pattents doth not uſher in that miſchief, which the wiſdom of former ages ſo carefully provided to prevent, namely the putting of an overpowering treaſure into the hands of thoſe perſons onely in whoſe lands ſuch Mines are lodged to the ſubverſion both of Law and Government. But to retutn to my former purpoſe; the Pattentees partner publiſhed a Paper in ſome Market-Towns in *Darbyſhire*, whereby ſuch Miners and laborers as would work for wages or upon a Cope, were invited to come to *Yolgrave* (a Town near adjoyning to the Earles ſaid Mannor, upon a day therein prefixt, to be ſet on work to dig Oar in the ſaid Mannor, in purſuance of the licenſes, powers and authorities by the ſaid Patteut granted; the Miners and workmen, to the number of threeſcore or thereabouts, thereupon appeared to be ſet on work. The two before-mentioned Juſtices, directed their Warrants under their hands and ſeals, to all Conſtables, Third-burroughs, and other Officers, and eſpecially to the Conſtables of the Town of *Yolgrave*, wherein they term the ſaid Paper to be ſeditious and unlawful, becauſe thoſe Miners and laborers were invited to enter into the Lordſhip of *Nether Haddon*, being the Lands and inheritance of the *Earle of Rutland*, to dig Oar as aforeſaid, which (they conceive) cannot properly or legally be done by any but the owners of the ſaid Lands, or by their authority: They further proceed in their Warrant as followeth, *viz.* *Whereas we are alſo very ſenſible, that by reaſon of the ſaid unlawful Proclamation or Paper, a great number of Perſons met together to proſecute the ſaid unlawful deſign, notwithſtanding they were prohibited by a Warrant under our hands and ſeals, for which ſaid offence we have bound to the good behaviour the ſaid* Benjamine Bradburn (*viz. The Partner*) *and divers other perſons; and for the prevention of any further* Ryots, Routs, *or* unlawful aſſemblies, *which hereafter may happen by the inſtigation of the ſaid* Bradburn, *or by reaſon of the ſaid ſeditious paper; theſe are in the name of his Highneſs,* &c. *to charge and command you and every of you reſpectively, that if any ſuch* Myner, Labourer, *or other perſons be or ſhall be aſſembled and met together to proſecute any ſuch*

unlawful design, that then you require and command them to depart in peace to their several habitations, and to make no further progress upon any such unlawful design, upon pain of imprisonment, and in case any person or persons shall contemptuously and illegally oppose you or any of you in that behalf, that you bring them before us, or one of us, or some other Justice of Peace of the said County, to be proceeded against according to Law, &c.

By this you may perceive to what a height this growing mischief is come, a pattent granted by the (then) *Supreme Authority* of the *Nation*, to dig and search for *Mine Royal* in the County of *Derby*, in whose Lands soever the same shall be conceived to be; and all Justices of Peace required to be aiding and assisting in the execution thereof. This Pattent drawn up by the (then) Attorney-General according to Law, and the ancient president of former times, and Provision therein made to satisfie the Proprietor of the Soil, such dammages as should happen by digging or trespassing in his grounds; the execution of this *Pattent* first opposed by force, then by the authority of two *Justices*, who in their before recited warrant declare the entring into the Lordship of *Nether Haddon* by vertue thereof, to be an unlawful design, and this after they had seen and perused the Pattent; and they also stretch their subordinate authority beyond the Power that gave them their Commissions, and that with a *Prohibition* in these words, *viz. Notwithstanding, they were prohibited by a Warrant under our hands and seals*, whereby it follows, that either the Pattent, or these Justices Warrant is unlawful, but the legality of the Pattent is confest, Then they wholly take away the execution of the said Pattent, by terrifying all the *Myners* in that County of *Derby*, and that in a twofold manner, the one exemplary, the other threatning; the first in these words, *For which said offence we have bound to the good behaviour the said* Benjamine Bradburne *and divers other Persons*, The other in these words, *These are therefore in the name of his Highness the Lord Protector, to command you and every of you respectively, that if any such Myner, laborer or other person, be or shall be assembled and met together with an intent to prosecute any such unlawful design, that then you command them and every of them to depart in peace to their seve-*

ſeveral habitations upon pain of impriſonment: Will not this deſtroy the Prerogative title, and conſequently, the Commonwealths intereſt to Myne Royal, the Law that declares it ſuch, and will it not very much prevent the increaſe of Coine, if a timely remedy be not had? But theſe two Juſtices did not acquieſce in theſe Warrants, for the Pattentee not being able to undergo ſo great and ſo long continued vexatious charge and expence, took in another Partner, more eminent then the firſt, and theſe two Partners attempted again to put the Pattent in execution, in the ſaid Mannor of *Nether Hadden*, and brought with them a greater number of Myners and Laborers then formerly, and theſe were alſo beaten off by force, and then the ſame two Juſtices cauſed the Sheriff to ſummon a private Seſſions, and Indictments to be drawn againſt all thoſe perſons whoſe names they could diſcover upon this laſt attempt for *Ryots*, *Routs*, and *unlawful aſſemblies*, which Indictments being found, the Agents of the Earle from the (then) Lord Chief Juſtice *Glynne*, to bind the ſaid perſons to the good behavior, which cauſed ſome of them to leave their habitations, and to fly the County. But now the Pattentee being laden with ſuites, and with unſupportable and unavoidable charges, and nothing being done to his advantage, he (by the advice of Councel) preferred an Engliſh Bill in the Exchequer againſt the *Earle of Rutland*, the *Lord Roſſe*, and ſeveral of their ſervants and Tenants that committed the force, with an intent to proceed to trial as touching the Oar in the ſaid Mannor, upon the former Eſſaies and proofs, whereunto the Earle and the reſt of the Defendants made anſwer. At the ſame time there were Petitions on both ſides depending at the Councel board, but truely very little to the Pattentees advantage; then the Earls Agent with Councellors for the Earle learned in the Laws, appeared before the Lords of the Councel, and did conſent for and on the behalf of the Earl, that the Pattentee ſhould ſink three Pits or ſhafts in the ſaid Mannor of *Nether Haddon*, each of them to be of the ſquare of three yards, and without limitation of depth, which conſent would never have been yeilded unto, but in prevention of the intended trial in the Exchecquer, which Order of conſent I am neceſſarily compelled to ſet down at length, that thereby I may the bet-

ter diſcover thoſe practiſes and deſtructive deviſes that are too commonly uſed, to ſtifle and deſtroy Myne Royal, which Order followeth,

The Conſent of George Hopkinſon *Gent. Agent and Solicitor for the Right Honourable the* Earle *of* Rutland, *for and on his Behalf; And of* Tho. Lock *Gent. Pattentee to his Highneſſe for* Myne-Royal *in* Derbiſhire, *and his Co-Adventurers, touching the digging and ſearching for ſuch Mine in the Manner of* Nether-Haddon, *Agreed upon before the Right Honourable Committee of his Highneſs Privy Counſel, the* 7. *day of* June 1657.

1. THat for the more ſpeedy ſatisfaction of his Highneſſe the Lord Protector, and for prevention of further Diſputes, touching the queſtion, whether the Mines in the ſaid Mannor be Royal or no, and for the avoiding of all further diſturbance to the Earle touching the ſame, It is conſented unto, that three Pits or Shafts, three yards ſquare or leſſe, be ſunk and driven in ſuch places of the ſaid Mannor, as the ſaid Pattentee ſhall appoint, a quarter of a mile diſtant from the Earles Mannor-houſe, before the fifteenth day of November next, at the proportionable Charges of the ſaid Earle, and of the ſaid Pattentee, and his Co-adventurers, to wit, one part of three at the charge of the Earle, and the two other thirds at the Charges of the ſaid Pattentee, and his Co-adventurers.

2. It is further agreed, that every of the ſaid three pitts ſhall be digg'd three yards deep in the veine at the leaſt, after any veine of Oare ſhall be found therein, and ſo much deeper as the Pattentee and his Co-adventurers ſhall think fit within the time aforeſaid, and all the Oare that ſhall be found in all and every the ſaid Pits, within the depth, Square, Compaſſe, and Drift aforementioned, ſhall be taken out and dreſt from rubbiſh as is uſual, and ſeverally and diſtinctly delivered to the Overſeers hereafter named, or to two of them at leaſt, whereof one at leaſt nominated by either of the ſaid Parties, to be by them laid up, and kept, and ſecured a part, each Pits Oare by it ſelf, and that one hundred weight of each Pits Oare or more, promiſcuouſly and indifferently as it ariſeth,

ariſeth, without picking or chooſing, ſhall be taken out by the Overſeers, and by them ſealed up in boxes or bags, and ſafely ſent up to London, *at the proportionable Charges as aforeſaid, to be ſafely delivered into the Cuſtody of his Highneſs Comptroller of the Mint in the Tower of* London, *there to be kept by him ſealed up as aforeſaid, untill Order ſhall be given for the trial thereof.*

3. *That the perſons nominated and conſented unto as overſeers for the ſinking and driving of the ſaid pits, for ſecuring the ſaid Oar, and ſending of one hundred weight thereof or more out of each pit to* London *to be tried as aforeſaid, ſhall be for and on the behalf of the Earle of* Rutland, William Wolley, *and* Henry Dakin *Eſq;* John Ferne *and* John Berriſford *Gent. And for the Pattentee,* John Columbell *Eſq; Major,* John Aſhenhurſt, Adrian Monday *and* William Collier *Gent. which ſaid perſons by themſelves, or by any two or more of them, whereof one at the leaſt to be of either party, or by ſuch unintereſted perſons as they ſhall appoint in their abſence, ſhall ſee the work performed as aforeſaid.*

4. *And that for the trying of the ſaid Oar, one Eſſay Maſter ſhall be choſen by his Highneſs Councel, one other by the Earle, and one other by the Pattentee; and in caſe any of the Oare ſent up for trial, upon eſſay thereof accordi g to the rules aforeſaid, ſhall be found Myne Royal, all the Oare of that pit ſhall be adjudged and delivered to the ſaid Mr.* Lock, *he making ſatisfaction to the Earle for dammages in his ſoil according to the directions of the Pattent; and on the other ſide, in caſe the Oar of any of the ſaid Pits ſhall not in manner aforeſaid be adjudged Myne Royal then all the Oare taken out of that pit from which the Oar ſo eſſaied was taken, ſhall be delivered to the Earle of* Rutland *and his aſſigns, and ſo of every other of the ſaid pits, to be digged in manner afore agreed unto and directed.*

5. *That for the more indifferent digging, ſinking, and driving of each of the ſaid pits, and for the prevention of intruſion by the common Myners and Perſons unconcerned, there ſhall be ſuch a competent number of Myners and workmen as the overſeers ſhall think neceſſary, choſen and named by either ſide, that is to ſay, one third by the Earle, and two thirds by the Pattentee.*

6. *However none of the workmen named for the Earle ſhall dig any Oare at all in any of the ſaid pits, but by the licence of ſuch, two of the Overſeers in caſe the Pattentees workmen ſhall not fully, truely, and effectually*

effectually dig all the Oar in manner aforeſaid, and in caſe any of the workmen of either ſide, ſhall fail by ſickneſs, abſence or otherwiſe, it may be lawful for that party on whoſe ſide the failer ſhall be, to put others in their rooms and places ſo failing, giving notice aforehand to the other ſide.

7. That the Myners and workmen ſo to be choſen on either ſide, before they enter into the ſaid pits, ſhall have liberty to ſearch the Myners and workmen on the other ſide, and ſo when they come out.

8. That the Myners and workmen ſo to be choſen on each ſide, for the better carrying on of the work, ſhall always the day before agree amongſt themſelves, or be directed by the Overſeers, how many hours in the day to work, and how many to reſt, and alſo when to begin and when to leave off, for the more eaſie attendance of the Overſeers or ſuch ſubſtitutes as they ſhall appoint in their abſence.

9. That every of the ſaid pits ſhall be ſecured and locked up at all other times (except during the time the workmen ſhall ſo work therein) with a lock of either party, and the Overſeers of each party, or their ſubſtitutes, to keep their reſpective parties key.

10. That Mr. Lock, or any his Co-adventurers, or any other perſon under them or any of them, neither do nor will claim any thing in the ſaid Mannor or Lands, or any Mines or Oare therein to be found by any other title or pretence whatſoever, except only by and under his Highneſs Letters Pattents for Myne Royal.

11. That for the prevention of diſturbance of the Earles poſſeſſion in any other part of the ſaid Lands and Mines within the ſaid Mannor, either by the ſaid Mr. Lock, or by any of his Coadventurers, agents or ſervants, or his or their aſſigns, or by any other Miner or Myners, perſon or perſons, under colour of this liberty aſſented unto by the Earle as aforeſaid, or by or under any colour or pretence whatſoever: It is declared that this aſſent of the Earles ſhall not prejudice his right of inheritance in the ſaid lands or Lead Mines, and humbly deſired on the behalf of the ſaid Earle, that his Highneſs Sheriff, and the Juſtices of Peace in the County of Derby may be required by the Order of, or Letters from the Lords of his Highneſs Privy Councel, to ſee the Peace obſerved, and the ſaid Earle of Rutland kept in quiet poſſeſſion for and during all the time limited for digging the ſaid three pits, and ſeveral Eſſaies thereof to be made in manner aforeſaid.

12. And

12. *And it is agreed, That in the mean time until a full Trial be had in manner aforesaid, all proceedings at Law both in the Exchequer Chamber, and Office of Pleas, and elsewhere, and all Indictments prosecuted on either side, shall be stayed, and no advantage taken by either partie by reason thereof.*

13. *And if the Pattentee and his Coadventurers shall not be satisfied with the sinking of the said three Pits within the time aforesaid, then upon the attendance of both Parties upon his Highness Privie Councel, further time may be given for the sinking of three or so many Pits more in manner aforesaid, as by consent shall be agreed on*

Ordered that the said Agreement be and hereby is in all the several parts and clauses thereof approved and confirmed.

Hen. Scobel, Clerk of the Councel.

Now the better to demonstrate by the foregoing Order, the destructive devices before spoken of, I have by Figures in the Margent thereof, divided the same into several branches; and first, as to the mixing of rich Oar with that which is poor, to destroy that which is Royal, these words, *Promiscuously and indifferently as it ariseth*, in that branch which is margented with the Figure 2. and these words, *However none of the Workmen named for the Earl shall dig any Oar in any of the said pits, but in case the Pattentees workmen shall not fully, truly and effectually dig all the Oar* margented 6, do offer themselves to the judicious consideration of those *Right Honourable Senators*, and most worthy Commanders, who are most especially concerned in setling the Peace, and Revenue of the three Nations, for there is seldome any Pit sunk, wherein there is not more veins of Oar found then one, there being in some half a dozen, in others half a score, and in some (if my Intelligence fail not) above twenty veins of Oar in one pit: Now one, two, three, or more of these may prove *Royal*, nay, rich, and much exceeding the bare stamp of that which is counted *Royal*, the other veins may be poor and some of them steril, which being mix'd with the Royal Oar choaks and strangles it, and do not the words margented as aforesaid, tend onely to the destruction of the *Royal* and whitest Oar?

These

Theſe words are alſo obſervable in the firſt Branch, *Viz. That three pits three yards ſquare be ſunk and driven*, and theſe words likewiſe in the ſecond Branch, *Viz. That every of the ſaid three pits ſhall be digged three yards deep in the vein at the leaſt*, which laſt words were inſerted at the ſpecial inſtance of thoſe on the Earls part, who alledged at the Councel-board, that it was poſſible a ſcurf or ſome ſhallow matter at the top of the vein might prove *Royal*, but it was not reaſon that ſuch ſmall depth ſhould render the whole *Mine* as loſt to the Proprietors of the ſoil; now the Pattentee in the execution this Order, was not permitted to *drive*, by reaſon whereof he could not poſſibly dig three yards deep in the Vein, in regard the veins after they are dig'd a little way down-right, do ſlent long-ways out of the ſquare of three yards, ſo that the Pattentee (whoſe limited time by the ſaid Order for digging was neer ſpent) was compelled to take the very worſt part of the Veins in every pit and to reſt contented with it, for more then half of the time mentioned in the Order, was expired before the Pattentee was permitted to break the ground.

Now the Pattentee did prepare Boxes with Partitions in them, hoping that the Oar of every vein in each pit might have been kept apart by it ſelf, that ſo the *royal* and richeſt Oar might have received a clear and juſt Trial, without mixture or other impoveriſhment, but that was not allowed, for the partitions were pul'd up, and all the Oar of every vein in each pit was confuſedly mixt together, ſo that now the rich Oar could not eaſily be diſtinguiſhed from the baſe and ſteril Oar (although I am perſwaded there is no Lead Oar that is abſolutely barren of Silver) and whereas it is mentioned in the ſecond Branch of the Order, *That all the Oar in each pit ſhall be dreſt from Rubbiſh:* The Agent of the Earl did cauſe all the Peeces of Oar to be broken and pounded together very ſmall, ſo that now it is impoſſible for the Eſſay Maſters to make any other Eſſay then of the mixed Oar, wherein that which of it ſelf is *Royal* is much abaſed; and the ſaid Agent hath alſo cauſed this Oar thus broken and pounded to be waſht, whereby it is very much impoveriſhed, there being no ſuch word as waſhing of Oar mentioned in the Order; for there is a ſubſtance mixt with

with the Oar, (which if I miſtake not) the Miners call *Sparr*, which ſome perſons affirm holds more of Silver then the Oar it ſelf, and the more the *Spar* is waſht out, the leſſe yeeld there is of Silver from the Oar. It hath been confeſt unto me by a profound Artiſt of the Tower, That he did once Eſſay ſuch a Piece which did yeeld above threeſcore pounds of fine Silver in the Tun; ſomthing more I might adde to this particular, which for brevity I omit, in hope this ſmall Piece may arrive at the happineſs of a further conſideration in the beſt approved judgments; and from hence I return to the undetermined cauſe betwixt Mr. *Thomas Lock* Pattentee, as aforeſaid, and the Earl of *Rutland*, to ſhew how it reſteth.

The Pattentee did ſend up five hundred weight or thereabouts of this (thus abuſed and adulterated) Oar, to the Comptroller of the Mint in the Tower, where it hath remained ſealed up in Bags and Boxes untried, ever ſince the 15. day of *November*, 1658.

The reaſon why it hath remained ſo long untried is, Becauſe the Pattentee would not yeeld the *Prerogative* (and therein the Common-wealths) Intereſt to be concluded by ſuch trial, untill Mr. *Hopkinſon* (who is the Earls Agent that contrived the aforerecited Order) ſhould agree to the ſinking of three pits more, or more in manner aforeſaid, according to the 14th Branch of the ſame, which the ſaid *Hopkinſon* utterly refuſeth to doe; and truly it hath been none of the leaſt of my cares to prevent the trial of this Oar, until a good underſtanding might be had touching the ſame, in regard ſo great a Revenue as may be raiſed out of Minerals, is ſo highly concerned in this Trial.

I therefore humbly propoſe, whether it be not abſolutely neceſſary, before this Oar in the Comptrollers Cuſtody be tried, to ſettle the value of *Mynes Royal* by a certain rate as to what the extraction of Gold and Silver muſt hold in every Tun of Oar, and this ſettlement to be made by the Legal power of the Nation with the advice of the moſt learned Councel in the Laws, as well to evade thoſe abſurd definitions which the ſubtil agents of Proprietors of the ſoil (eſpecially of great ones) makes touching *Mine Royal*, to deceive, or rather to put out the eyes of the com-

mon Miners and people, as to cut off, or rather prevent vexatious and dilatory ſuits betwixt ſuch Proprietors and particular Pattentees to diſable them in the perfecting of their work, for I am perſwaded, that it hath already coſt this Pattentee above a thouſand pounds in the proſecution of his Pattent before he could be admitted to digg, and I am confident there will a new ſuite be raiſed about this Oar when it is tried upon this iſſue, *Whether Mine Royal or not*; for as the caſe now ſtands, the Miners and laborers are perſwaded by the ſubtile Agents that are intruſted by the Proprietors of the ſoil for the managing of ſuch works, that if the Gold and Silver that may be extracted doth not exceed the price currant of the Lead or other baſe mettle from whence it is taken, that then ſuch Mine may be ſafely wrought, by which means Oar Gold and Silver (imbodied in the baſer mettle) hath been tranſported and extracted in other Nations, eſpecially by the *Dutch*, who afterwards ſell the baſe mettle at lower rates then they bought it, and who can tell what private contracts are made in vending and tranſporting Oar and Mettle; others perſwade the people, that if the Gold and Silver that may be extracted doth not exceed the dammage, and pay for all the charges of digging. landing, carriage, firing, ſmelting, and other charges incident to the making up of the Oar into a body of mettle, that then the Myne is not Royal, and this begets a ſtrong faith in thoſe people as to the truth thereof; but this is meerly oppoſite to reaſon, for it muſt needs be confeſt, that if the price of the baſe mettle did not exceed the aforeſaid dammages and charges, the Proprietor would never trouble his thoughts with digging the Oare; it neceſſarily followeth, that when the baſe mettle is imbodied, if then the Gold and Silver that may be extracted doth add any thing at all to the bare charge of extraction, this muſt be accompted *Mine Royal*, otherwiſe the foraign Merchants (except the *Dutch* who trade with a joynt ſtock) will make themſelves Maſters of our Treaſure, and we ſhall want that increaſe of coine which will much add to the honor and benefit of the three Nations; and it is obſervable, that in all former grants, there is a part reſerved to the Proprietors of the ſoil, and in the moſt ancient to the Church alſo, That to the Proprietor I conceive to be, in regard of the dammage done

unto

unto him in digging his ſoil, and in this of Mr. *Locke*, there is a tenth reſerved to the Earl, which I believe may treble the rent of the field wherein this Mine is incloſed: But now I know the waſte of Lead or other mettle in the extraction of the Gold and ſilver will be objected, as it hath already been in this *Caſe of Mr. Locke*, and alſo that the Lead is much the worſe, and more brittle by ſuch extraction; to the firſt whereof I anſwer, that if the Finer ſhall draw with it the baſer mettle, and that the finer do exceed the charge of extraction, though but one penny in a Tun, the waſt of the baſe mettle ought not be charged on the Proprietors account, for what hath he to do with the waſt of that which belongs not unto him; and to the laſt I appeal to every Moderate judgement, whether the moſt obdurate matter being extracted out of Lead (which is the Silver) the Lead that remaineth be not thereby made more flexible and uſeful. But I may not take upon me the Poſitive definition of *Mine Royal*, I humbly ſubmit that to thoſe moſt learned and experienced Councellors, who are beſt read in the fundamentals of our laws, who may be pleaſed to take into conſideration the time when the Law was ſetled touching *Mine Royal*, becauſe I ſuppoſe that which at that time rendred *Mines* to be *Royal*, ought to render them ſo now; and I believe that all the Gold and Silver that was contained in a Tun of Oare might then have been extracted for five ſhillings or leſs, for which I give this reaſon; twenty ſhillings in thoſe dayes did weigh one pound weight Troy, but a greater value hath been ſince put upon mony, ſo that now ſixty ſhillings do weigh no more then one pound Troy, although twenty ſhillings is ſtill a pound in tale of ſums, and this value was queſtionleſs raiſed for the benefit of the ſubjects in general, and not to deſtroy the *King* in his *Prerogative* title to *Mine Royal*, by transferring the ſame upon the particular Proprietors of the ſoil, and throwing the charge of ſupplying the Kings treaſury upon the ſubjects by Subſidies, Fifteens, and other taxes: I know it will likewiſe be objected, that men cannot work now at ſuch rates as they might in thoſe dayes, becauſe the price of victuals doth very much exceed the rates for which they might then have been bought; ſurely this alſo redoundeth to the benefit of thoſe Proprietors, who have that increaſe in their Rents and in their tillage and herbage; the wiſ-

dom of the Legiſlators of thoſe former times, did diſcover an infinite Treaſure to be imboweled in our native earth, and did wiſely provide that the Gold and Silver ſhould belong to the *King*, and they gave the reaſon for it, that elſe the ſubject might raiſe to himſelf a greater Treaſury then the King, and thereby raiſe a war againſt him in his own Dominions. They have likewiſe provided, *that the finer ſhall draw with it the baſer mettle*, but I do not reade any thing to that purpoſe, *That the baſe mettle ſhould draw with it the finer*, which is now become ſo common a practice, that the finer is drawn out of theſe Nations with the baſer into moſt parts of Chriſtendom, and become their great advantage, although it is without diſpute, that our richeſt Mines are ſtill concealed; ſomething alſo may be ſaid as to the Price of the baſe mettle, what rates they now yeild, and what they have been ſold for in times paſt; as for Lead, I have known it ſold for eight pounds a Tun, and I believe it now yeilds eighteen pounds a Tun. Now I cannot believe that the Law intends that the riſe of the price of the baſe mettle ſhould at all infringe the Prerogative intereſt, as the Agents of the Proprietors of the ſoil would have it; for, ſay they (which nevertheleſs is not ſo) the extraction of the Silver out of one Tun of Lead will waſt two hundred weight of the Lead, which (ſay they) comes to thirty and ſix ſhillings, and (as they account) that (with the charge of extraction) will come to three pounds at the leaſt, under which value (ſay they) the *Mine* cannot be accounted *Royal*; ſure it cannot be that lead in thoſe days when the *Law* was made touching *Mine Royal*, did yield above fourty ſhillings a Tun, which is but two ſhillings a hundred for the waſt, but (as I ſaid before) if the finer draws with it the baſer, what hath the Lord of the ſoil to do with the Waſt? and as to the charge of extraction, I believe it may be done now for ſixteen ſhillings a Tun. And truely I believe, it is the Silver contained in the lead that hath raiſed the Price thereof; but I believe the Gold or Silver might have been extracted before money was raiſed from twenty ſhillings to three pounds, for leſs then five ſhillings a Tun; it were worth the enquiry (if a true collection could be made) how much Lead and Lead Oar is ſpent and tranſported in a year, if fifty thouſand Tuns be tranſported, and that each Tun doth yield twenty ſhillings

lings in ſilver, here is fifty thouſand pound loſt in the encreaſe of ſilver, if an hundred thouſand Tuns, then an hundred thouſand pound. If it yeilds fourty ſhillings a Tun in Silver, then the *Dutch* and other Nations will gain the increaſe of two hundrrd thouſand pound out of an hundred thouſand Tun, becauſe I ſuppoſe there wil not be above one hundred and halt of Lead waſted; and I know the *Dutch* can extract at leſs charges then we can, in regard their workmen feed on Butter, Cheeſe, Milk and Roots, which are bought at leſſer rates then ours are; if three hundred thouſand pound in Silver may be extracted out of an hundred thouſand Tuns, then the *Dutch* have three hundred thouſand pound increaſe of coin, whereof an hundred thouſand pound clear gains; but if ten pound in ſilver may be extracted out of one fodder of Oar, or one Tun of Lead, then out of an hundred Tuns we loſe the increaſe of one million of coin, and the *Dutch* gain 800000*l.* clear by ſo much, and (as I have ſaid formerly) Oare is ſometimes brought to the Tower to be eſſaied, which yeilds far greater quantities of ſilver. And as to Tin and Copper (both which yeild Gold) I can ſay little of them, becauſe they have not lain in the way of my enquiry; yet by diſcourſe with Merchants and Artiſts concerning the *Indian* Mines, from whence the *Spaniard* ſo often recruits his War-waſted Treaſury, I finde, that if he might be permitted to dig our Mines, and could gain our Oar as cheap as he gains his gold, he would quickly quit thoſe Mines to accept of ours, becauſe ours is imbodied Oar, and his is a ſandy ſubſtance which is incorporated by Art with the help of Quickſilver, and is digged out of the Earth by the continued labor of many thouſands of thoſe *Indians* which the *Spaniard* makes his ſlaves, who feed upon Potatoes, Roots, and fruit which the ground naturally yieldeth, or is planted now by thoſe ſlaves as they have been taught and inſtructed by the *Spaniards*. Here alſo I conceive it fitting to ſet forth a further reaſon why our Mines have been in many places ſo long unwrought, truely it is becauſe the way hath not long been found out to work them with ſafety, for it is viſible, that very many ſhafts have been ſunk perpendicularly down from the top of mountainous places, where it could not otherwayes be, but that the workmen muſt be loſt by Damps and the works deſtroyed by water, but now the

way

way is found by Addits, whereby the Oar is gained, without loſs of men, or danger of waters, other then ſuch as are cleared with little charge.

I have forborn to touch any thing at all of the Pattentees particular Intereſt, there being above ten years of the term in his Pattent granted, as yet unexpired, wherein there is a fifth part of the Oar or the value thereof reſerved to be paid into the Exchequer; my whole endeavours in this little piece being onely for the publike Intereſt, upon whoſe account I am perſwaded one hundred thouſand Tuns of Lead Oar may be yearly tranſported, if concealed Mines (which for the moſt part are the richeſt) may be wrought: I have read ſomething of Mr. *Buſhel* in one of his Remonſtrances, wherein he ſeems to allow of an Old Proverb, *That Hingſton Down well wrought, is worth* London *Town dearly bought*, wherein alſo he ſeems to promiſe the production of ſo much treaſure out of Rowpits, as ſhould maintain a Mint in the City of *Wells*: Oh that the treaſure which was ſpent in ſetting forth the *Jamaica* Fleet, had been employed to ſearch out and extract our Treaſure at home, how many Mints might have been ſet on foot by this time in *England*? and truly the baſe Mettal in rich Mines will defray all charges, and bring in a conſiderable profit. I have alſo read ſomething of the pleadings in that great cauſe betwixt the late Queen *Elizabeth*, and the Earl of *Northumberland*, where I find, that he that urged the moſt of Reaſon, pleaded the beſt Law, and that the Law did receive the moſt favourable conſtruction on the Queens behalf; ſurely I conceive it ought to do the like in the behalf of the Common-wealth, but I have no thought of prejudice to the Lords of the ſoil where ſuch Mine is, for it were better in my weak judgment that they might have the whole both of gold and ſilver, and the baſe Mettal alſo, and that a ſworn Eſſay-Maſter worthy of Truſt might be imployed to Eſſay the baſe mettal before any ſale be made thereof, and that the Proprietor ſhould pay ſo much money into the Treaſury, as the baſe Mettal ſhall be reported to yield, then that both the gold and ſilver and the baſe Mettal alſo ſhould be obſcured and continued in the bowels of the earth, or be tranſported and extracted to the enriching of foraign Nations. It hath been the glory of good

men

men, to be accounted good Commonwealth men, but the private intereſt of too many Proprietors hath eclipſed that Glory in them, and rendered them obnoxious to the Publike, and ſome of them who are more moderate and indifferent, want not evil inſtruments who have made friends to blind the eyes of ſome perſons that have been in great authority, in prevention of ſo general a good.

I have no thought neither of deſtroying the Liberties or antient Cuſtomes of any Miners, for I find a Confirmation of their Cuſtomes by *King Edward the firſt*, in the ſixteenth year of his Reign, My whole aim being at the ſettlement of that which ought of right to belong to the *Prerogative*, and therein to the *Publike* Intereſt.

Firſt, then I humbly propoſe that as by our ancient Laws, it is Treaſon in any perſon to make uſe of any Mine Royal, ſo as to convert any part of the gold or ſilver thereof to his own uſe, ſo whether it may not be thought fit to be made Treaſon by *Act of Parliament* in any perſon that ſhall knowingly conceal any ſuch Mine, in prevention of the Prerogative and General rights.

Secondly, Whether it may not be thought fit that an *Act* be made to prohibit the tranſporting of Oar before it be ſmelted into Mettle.

Thirdly, Whether it may not likewiſe be thought fit that an Act be made to prohibit the tranſporting of Copper, Tin, Lead or other Mettle, wherein Gold or Silver may be contained, until it ſhall be eſſaied by ſome skilful Artiſt, that may be thought worthy of truſt, and ſhall be thereunto authorized.

Fourthly and laſtly, Whether it may not be thought fit to be enacted, that after the Mettle ſhall be Eſſaied as aforeſaid, the Proprietor ſhall pay the price of the Gold and Silver that ſhall be reported to be therein, into Publick Treaſury, where the Mine ſhall not prove Royal, for I am very confident the Proprietor of the ſoil can lay no claim unto Gold or Silver, be it never ſo little. This one thing onely is objected, that the charge of extraction is or may be greater then the value of the thing extracted, which is but a ſlender reaſon (all things conſidered) for the riſe of the price of the baſe Mettle within theſe very few years

years, will (at leaſt) treble the charge of exttaction. And I make a great queſtion, whether the Proprietor of the ſoil can make any juſt claim to any little whereout any quantity at all (be it never ſo little) of Gold or Silver may be extracted, for he that bequeathed the evidences, gave alſo the box wherein they were contained. It cannot otherwayes be but that great Debts have been contracted both at home and abroad in theſe late and calamitous times, wherein the Nobility have been clouded, the gentry oppreſſed, trade decayed, number of Citizens broken, Goales filled with perſons unable to pay their debts, poor people diſabled to pay their Rents, more houſkeepers turned beggars, then hath been known in *England* for many ages paſt, and too many perſons ſtarved for want of food. And doth not the Sunſhine of Gods mercies begin to riſe upon us in a hopeful way of reconciling our differences, and healing our diſtractions; and ſhall not every man return unto the Lord with the ſacrifice of thankſgiving, and ſay with the *Pſalmiſt*, *Praiſe the Lord, O my ſoul, and all that is within me praiſe his holy name, which forgiveth all thy ſin, and healeth all thy infirmities*: Truely my hopes are, that our Nobility will be noble in contributing their beſt aſſiſtance for the ſetling this concealed Revenue, by preferring *Gods Glory* and the *Publike good* before their own particular profits, which will make them the more acceptable with *God*, and *Honorable* amongſt the people. I hope this may prove a good help towards the payment of the Publike Debts, and that it is tendred in a ſeaſonable time; *The Lord* in mercy proſper it with increaſe, like the Widdows oyl, till all the borrowed empty Veſſels be full, and the debts paid, that the reſt may remain for a continued ſupport.

FINIS.